

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

**October Term, 2019**

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**DONNIE L. HARRIS, JR.**

**Petitioner,**

**v.**

**THE STATE OF OKLAHOMA**

**Respondent.**

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**APPLICATION FOR EXTENSION OF TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI  
TO THE OKLAHOMA COURT OF CRIMINAL APPEALS**

To the Honorable Sonia Sotomayor, Associate Justice of the United States Supreme Court, and the Circuit Justice for the Tenth Circuit:

Donnie L. Harris, Jr., the Petitioner, is incarcerated by the State of Oklahoma under a sentence of death. Petitioner prays for a sixty-day extension of time, up to and including April 2, 2020, to file his petition for writ of certiorari in this Court.

The Oklahoma Court of Criminal Appeals (OCCA), a state court of last resort, affirmed Petitioner's conviction for one count of Murder in the First Degree (Felony) (21 O.S. 2011, § 701.7 (B)) on September 26, 2019. *See* Exhibit A. A petition for rehearing was denied by the same court on November 4, 2019. *See* Exhibit B. This represented a final judgment in the case, and, therefore, a Petition for Writ of Certiorari to the Oklahoma Court of Criminal Appeals is presently due in this

Court on or before February 2, 2020. This application is submitted at least ten days prior to the present due date for the Petition for Writ of Certiorari.

This Court's jurisdiction arises pursuant to 28 U.S.C. § 1257(a). Petitioner has been convicted of a capital offense and sentenced to death in violation of certain rights and protections afforded him under the United States Constitution.

This case presents a number of federal constitutional issues, including but not limited to whether Petitioner's right to a fair sentencing hearing, as guaranteed by the Eighth and Fourteenth Amendments, was violated by the presentation of vague and overly broad continuing threat testimony. Petitioner deserves a fair opportunity to address this issue, and perhaps others, in a Petition for Writ of Certiorari.

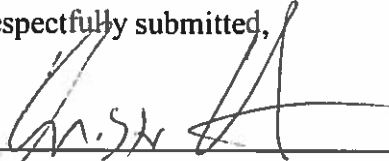
Counsel of record in this case, Kristi Christopher, is an attorney with the Oklahoma Indigent Defense System (OIDS), assigned to the Capital Post Conviction Division. Counsel of record has represented Petitioner throughout the direct appeal.

Currently, counsel of record serves as the Division Chief of the Capital Post Conviction Division as well as representing three clients under a sentence of death and eight non-capital clients. During the time between November 4, 2018, the time the OCCA denied Petitioner's Petition for Rehearing, and the present, counsel has spent considerable time attending to administrative matters as well as preparing briefs and managing other cases. As a result of these duties toward other clients with pressing deadlines, counsel has been unable to devote the necessary time to properly research and prepare a Petition for Writ of Certiorari for Mr. Harris prior to February 2, 2019.

Because of these compelling circumstances, Petitioner respectfully requests an additional sixty days to file his Petition for Writ of Certiorari as allowed by Supreme Court Rule 13(5).

Petitioner asks that an order be issued establishing the due date for Petitioner's Petition for Writ of Certiorari as April 2, 2019.

Respectfully submitted,



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